

From: Frank Moore
To: US Justice Deptment
Date: 11/16/01 12:53pm
Subject: Microsoft Antitrust

I really don't know why I am writing to you. This is probably just a "mail drop" created by the DOJ in an attempt to placate the millions of citizens who feel that your proposed settlement with Microsoft is akin to no settlement at all. Rest assured, like the Attorney's General of the states that will not accept this sellout, we will not be placated either.

What was the point of this entire exercise and the millions spent on prosecuting this case, if you were going to ignore the rule of law that was violated, and the defendants failure to comply with previous court judgments. Microsoft has shown time and time again that they cannot be trusted to even make a good faith effort to comply with court rulings and judgments. They have repeatedly thumbed their noses at the courts and continued in their reprehensible conduct toward competitors. Contrary to their claims, their conduct and past business practices has not advanced technology and innovation but rather has stifled it by eliminating competition and driving the true innovators out of business. When they perceive a threat by a competitor, they either "end support" for their competitors software, product, or protocol, alter their products to disable or cripple the competitors product on their platform, or include their own poor implementation of the competitors product in their OS in an all too often attempt to eliminate the market for the third party software. (Look at what they've done to JAVA) They also use their monopoly power to make the industry adopt their inferior implementation of these products as the industry standard. Their methods of doing this often violate not only the spirit of the law but the letter of the law as well. Why YOU, in total deference to the state Attorney Generals who entrusted this case to your care, and to the consuming public, are choosing to ignore the facts that have been more than adequately proven, is beyond me.

Are you all so computer illiterate that you don't understand the implications and impact of Microsoft's illegal behavior on the industry or...do you choose to ignore it for political reasons as well? Judge Thomas Penfield Jackson had a grasp of both the legal and technical aspects involved here that seem to be lost on the current DOJ team as well as the current judge. The fact that he may have made irresponsible comments to the press does not change the fact that his findings, in regard to the letter of the law, have been upheld on appeal. Your proposed settlement completely ignores this and, more importantly, completely ignores Microsoft's failure to abide by previous rulings. Your settlement has absolutely no teeth and leaves far too much "squirm room" for a company who spends millions of dollars on attorneys looking for ways to circumvent the letter and spirit of the law.

I have read details of your proposed settlement. It's almost as if you're telling Microsoft, for the umpteenth time, "Now we told you not to do that before. If you do it again we'll really have spank you...next time". IT IS TIME FOR SANCTIONS AND REAL PENALTIES NOW. They have been given another chance too many times.

I am a former peace officer whose eighteen year career was ended by an assault, spinal cord injuries, and subsequent surgeries. I then returned to school where I studied computer network engineering and I am now an Information Technology Manager. I am a MICROSOFT Certified System Engineer (MCSE). I work with Microsoft product each and every day. I was an avid computer hobbyist prior to entering this new career and have worked with both Macintosh and MS/Windows products extensively. I have, first hand, seen the damage that Microsoft's illegal and unethical practices have done within the industry. I have seen Microsoft products with "wait codes" written into them in order to slow down performance on

competing platforms. I have seen Microsoft products that, when installed on a machine that also has a competitors product installed, disables, cripples, or destabilizes the competitors product. I have seen how difficult it can then be to ferret out all of the components of the Microsoft product in order to restore the competing product, or platform, to functionality. I have seen Microsoft STEAL a third party software developers product by reverse engineering the source code, make their own poor implementation of their own version of the product, incorporate same into their operating system, and in doing so force the third party developer, or a superior product, out of business. This has always been, and under the terms of your "settlement" will always be the business model for Microsoft. This type of behavior is entrenched in their corporate doctrine and they will not change unless YOU force them to change. Your proposed settlement does little or nothing to change the status quo. Your settlement also does nothing to compensate the hundreds of businesses and thousands of individual who have been damaged by Microsoft's behavior. These people, and for that matter all computer users worldwide, are entitled to compensation.

As the US Justice Department, for whatever reason, seems unwilling or unable to pursue effective remedies in this case, I only hope that the Justice Departments of my home state, California, and the other states unwilling to accept this toothless, flawed, and totally ineffective settlement, will aggressively pursue this case and force an effective remedy that includes punitive damages.

Thank you for your time,

Frank Moore
Tehachapi, CA

cc: California Attorney General's Office